

Forty-eighth Legislature
Second Regular Session

COMMITTEE ON JUDICIARY

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2129

(Reference to printed bill)

1 Page 2, line 13, strike "INTERNET" insert "UNLAWFUL"

2 Page 4, line 39, strike "INTERNET" insert "UNLAWFUL"

3 Page 5, line 9, strike "Internet" insert "Unlawful"

4 Strike lines 10 through 13, insert:

5 "A. A PERSON COMMITS UNLAWFUL AGE MISREPRESENTATION IF THE PERSON IS
6 AT LEAST EIGHTEEN YEARS OF AGE AND KNOWING OR HAVING REASON TO KNOW THAT THE
7 RECIPIENT IS A MINOR, USES AN ELECTRONIC COMMUNICATION DEVICE TO KNOWINGLY
8 MISREPRESENT THE PERSON'S AGE FOR THE PURPOSE OF COMMITTING ANY SEXUAL
9 OFFENSE INVOLVING THE RECIPIENT THAT IS LISTED IN SECTION 13-3821,
10 SUBSECTION A."

11 Line 15, strike "OTHER PERSON" insert "RECIPIENT"

12 After line 21, insert:

13 "E. FOR THE PURPOSES OF THIS SECTION "ELECTRONIC COMMUNICATION DEVICE"
14 MEANS ANY ELECTRONIC DEVICE THAT IS CAPABLE OF TRANSMITTING VISUAL DEPICTIONS
15 AND INCLUDES ANY OF THE FOLLOWING:

16 1. A COMPUTER, COMPUTER SYSTEM OR NETWORK AS DEFINED IN SECTION
17 13-2301.

18 2. A CELLULAR OR WIRELESS TELEPHONE AS DEFINED IN SECTION 13-4801.

19 Sec. 3. Section 13-3821, Arizona Revised Statutes, is amended to read:

20 13-3821. Persons required to register: procedure: identification
21 card; definitions

22 A. A person who has been convicted of a violation or attempted
23 violation of any of the following offenses or who has been convicted of an
24 offense committed in another jurisdiction that if committed in this state
25 would be a violation or attempted violation of any of the following offenses
26 or an offense that was in effect before September 1, 1978 and that, if
27 committed on or after September 1, 1978, has the same elements of an offense
28 listed in this section or who is required to register by the convicting

1 jurisdiction, within ten days after the conviction or within ten days after
2 entering and remaining in any county of this state, shall register with the
3 sheriff of that county:

4 1. Unlawful imprisonment pursuant to section 13-1303 if the victim is
5 under eighteen years of age and the unlawful imprisonment was not committed
6 by the child's parent.

7 2. Kidnapping pursuant to section 13-1304 if the victim is under
8 eighteen years of age and the kidnapping was not committed by the child's
9 parent.

10 3. Sexual abuse pursuant to section 13-1404 if the victim is under
11 eighteen years of age.

12 4. Sexual conduct with a minor pursuant to section 13-1405.

13 5. Sexual assault pursuant to section 13-1406.

14 6. Sexual assault of a spouse if the offense was committed before
15 August 12, 2005.

16 7. Molestation of a child pursuant to section 13-1410.

17 8. Continuous sexual abuse of a child pursuant to section 13-1417.

18 9. Taking a child for the purpose of prostitution pursuant to section
19 13-3206.

20 10. Child prostitution pursuant to section 13-3212.

21 11. Commercial sexual exploitation of a minor pursuant to section
22 13-3552.

23 12. Sexual exploitation of a minor pursuant to section 13-3553.

24 13. Luring a minor for sexual exploitation pursuant to section 13-3554.

25 14. Sex trafficking of a minor pursuant to section 13-1307.

26 15. A second or subsequent violation of indecent exposure to a person
27 under fifteen years of age pursuant to section 13-1402.

28 16. A second or subsequent violation of public sexual indecency to a
29 minor under the age of fifteen years pursuant to section 13-1403,
30 subsection B.

31 17. A third or subsequent violation of indecent exposure pursuant to
32 section 13-1402.

1 18. A third or subsequent violation of public sexual indecency pursuant
2 to section 13-1403.

3 19. A violation of section 13-3822 or 13-3824.

4 **20. UNLAWFUL AGE MISREPRESENTATION.**

5 B. Before the person is released from confinement the state department
6 of corrections in conjunction with the department of public safety and each
7 county sheriff shall complete the registration of any person who was
8 convicted of a violation of any offense listed under subsection A of this
9 section. Within three days after the person's release from confinement, the
10 state department of corrections shall forward the registered person's records
11 to the department of public safety and to the sheriff of the county in which
12 the registered person intends to reside. Registration pursuant to this
13 subsection shall be consistent with subsection E of this section.

14 C. Notwithstanding subsection A of this section, the judge who
15 sentences a defendant for any violation of chapter 14 or 35.1 of this title
16 or for an offense for which there was a finding of sexual motivation pursuant
17 to section 13-118 may require the person who committed the offense to
18 register pursuant to this section.

19 D. The court may require a person who has been adjudicated delinquent
20 for an act that would constitute an offense specified in subsection A or C of
21 this section to register pursuant to this section. Any duty to register
22 under this subsection shall terminate when the person reaches twenty-five
23 years of age.

24 E. A person who has been convicted of or adjudicated delinquent and
25 who is required to register in the convicting state for an act that would
26 constitute an offense specified in subsection A or C of this section and who
27 is not a resident of this state shall be required to register pursuant to
28 this section if the person is either:

29 1. Employed full-time or part-time in this state, with or without
30 compensation, for more than fourteen consecutive days or for an aggregate
31 period of more than thirty days in a calendar year.

1 2. Enrolled as a full-time or part-time student in any school in this
2 state for more than fourteen consecutive days or for an aggregate period of
3 more than thirty days in a calendar year. For the purposes of this
4 paragraph, "school" means an educational institution of any description,
5 public or private, wherever located in this state.

6 F. Any duty to register under subsection D or E of this section for a
7 juvenile adjudication terminates when the person reaches twenty-five years of
8 age.

9 G. The court may order the termination of any duty to register under
10 this section on successful completion of probation if the person was under
11 eighteen years of age when the offense for which the person was convicted was
12 committed.

13 H. The court may order the suspension or termination of any duty to
14 register under this section after a hearing held pursuant to section 13-923.

15 I. At the time of registering, the person shall sign or affix an
16 electronic fingerprint to a statement giving such information as required by
17 the director of the department of public safety, including all names by which
18 the person is known, any required online identifier and the name of any
19 website or internet communication service where the identifier is being used.
20 The sheriff shall fingerprint and photograph the person and within three days
21 thereafter shall send copies of the statement, fingerprints and photographs
22 to the department of public safety and the chief of police, if any, of the
23 place where the person resides. The information that is required by this
24 subsection shall include the physical location of the person's residence and
25 the person's address. If the person has a place of residence that is
26 different from the person's address, the person shall provide the person's
27 address, the physical location of the person's residence and the name of the
28 owner of the residence if the residence is privately owned and not offered
29 for rent or lease. If the person receives mail at a post office box, the
30 person shall provide the location and number of the post office box. If the
31 person does not have an address or a permanent place of residence, the person
32 shall provide a description and physical location of any temporary residence

1 and shall register as a transient not less than every ninety days with the
2 sheriff in whose jurisdiction the transient is physically present.

3 J. On the person's initial registration and every year after the
4 person's initial registration, the person shall confirm any required online
5 identifier and the name of any website or internet communication service
6 where the identifier is being used.~~— AND~~ the person shall obtain a new
7 nonoperating identification license or a driver license from the motor
8 vehicle division in the department of transportation and shall carry a valid
9 nonoperating identification license or a driver license. Notwithstanding
10 sections 28-3165 and 28-3171, the license is valid for one year from the date
11 of issuance, and the person shall submit to the department of transportation
12 proof of the person's address and place of residence. The motor vehicle
13 division shall annually update the person's address and photograph and shall
14 make a copy of the photograph available to the department of public safety or
15 to any law enforcement agency. The motor vehicle division shall provide to
16 the department of public safety daily address updates for persons required to
17 register pursuant to this section.

18 K. Except as provided in subsection E or ~~K L~~ of this section, the
19 clerk of the superior court in the county in which a person has been
20 convicted of a violation of any offense listed under subsection A of this
21 section or has been ordered to register pursuant to subsection C or D of this
22 section shall notify the sheriff in that county of the conviction within ten
23 days after entry of the judgment.

24 L. Within ten days after entry of judgment, a court not of record
25 shall notify the arresting law enforcement agency of an offender's conviction
26 of a violation of section 13-1402. Within ten days after receiving this
27 information, the law enforcement agency shall determine if the offender is
28 required to register pursuant to this section. If the law enforcement agency
29 determines that the offender is required to register, the law enforcement
30 agency shall provide the information required by section 13-3825 to the
31 department of public safety and shall make community notification as required
32 by law.

1 M. A person who is required to register pursuant to this section
2 because of a conviction for the unlawful imprisonment of a minor or the
3 kidnapping of a minor is required to register, absent additional or
4 subsequent convictions, for a period of ten years from the date that the
5 person is released from prison, jail, probation, community supervision or
6 parole and the person has fulfilled all restitution obligations.
7 Notwithstanding this subsection, a person who has a prior conviction for an
8 offense for which registration is required pursuant to this section is
9 required to register for life.

10 N. A person who is required to register pursuant to this section and
11 who is a student at a public or private institution of postsecondary
12 education or who is employed, with or without compensation, at a public or
13 private institution of postsecondary education or who carries on a vocation
14 at a public or private institution of postsecondary education shall notify
15 the county sheriff having jurisdiction of the institution of postsecondary
16 education. The person required to register pursuant to this section shall
17 also notify the sheriff of each change in enrollment or employment status at
18 the institution.

19 O. At the time of registering, the sheriff shall secure a sufficient
20 sample of blood or other bodily substances for deoxyribonucleic acid testing
21 and extraction from a person who has been convicted of an offense committed
22 in another jurisdiction that if committed in this state would be a violation
23 or attempted violation of any of the offenses listed in subsection A of this
24 section or an offense that was in effect before September 1, 1978 and that,
25 if committed on or after September 1, 1978, has the same elements of an
26 offense listed in subsection A of this section or who is required to register
27 by the convicting jurisdiction. The sheriff shall transmit the sample to the
28 department of public safety.

29 P. Any person required to register under subsection A of this section
30 shall register ~~their~~ THE PERSON'S required online identifier and the name of
31 any website or internet communication service where the identifier is being
32 used or intends to use the identifier with the sheriff from and after

1 December 31, 2007, regardless of whether the person was required to register
2 an identifier at the time of ~~their~~ THE PERSON'S initial registration under
3 this section.

4 Q. For the purposes of this section:

5 1. "Address" means the location at which the person receives mail.
6 2. "Required online identifier" means any electronic e-mail address
7 information or instant message, chat, social networking or other similar
8 internet communication name, but does not include A social security number,
9 date of birth, or pin number.

10 3. "Residence" means the person's dwelling place, whether permanent or
11 temporary."

12 Amend title to conform

and, as so amended, it do pass

EDDIE FARNSWORTH
Chairman

2129-jud
2/14/08
H:jjb